



co-operation without compromise

National Union of Public Employees Constitution

1. NAME

The name of the society shall be *The National Union of Public Employees Incorporated* (hereinafter referred to as the union or NUPE).

2. INTERPRETATION

The plain and ordinary meaning of the words shall apply in the interpretation of this constitution.

“Employment unit” refers to either a single employer or a group of employers who have been designated as such by the Executive Committee.

“Officers” The officers of the union shall be the Treasurer, Convenor, Deputy-Convenor and Secretary. The Secretary is an appointed position and not an elected position.

“Workplace” shall mean either a physical workplace such as a Villa or Ward or Office, or a group of workplaces employing small numbers of people (e.g. MAF VA Circuits or Provincial Groups).

“Occupational group” shall mean a group of members who are defined by occupational or professional status (e.g. nurses, administration, probation officer) or share geographical coverage that may have significance to the impact of proposed collective agreement settlements (e.g. NZDF members at Burnham Camp).

“Proxy vote” is an authorisation by person A to person B to vote on his/her behalf (where both persons are to be bound by the same collective agreement). For the avoidance of doubt person B has complete autonomy to vote as he/she deems fit.

“Special vote” is where a member, to be bound by a collective agreement votes via the phone, fax, email or post and must be recorded or provided in writing clearly identifying whether they accept or reject the settlement.

3. OBJECTS

The objects for which the union was established are:

- a) To promote members' collective employment interests.
- b) To protect and enhance the economic, social, political and industrial interests of the union's members.
- c) To stimulate and encourage union membership in New Zealand.
- d) To foster the wellbeing of working people everywhere.
- e) To do all such things as are incidental or conducive to the attainment of all or some of the above objects and to promote any other activity not repugnant to the said objects.

4. REGISTERED OFFICE

The registered office of the union shall be at such place as the Executive Committee shall from time to time determine. Due notice of any change in the location of the registered office shall be given to the Registrar of Incorporated Societies.

5. COMMON SEAL

- a) The common seal shall be that adopted by the Executive Committee. The Executive Committee shall be responsible for the safe custody and control thereof.
- b) Whenever the common seal of the union is required to be affixed to a document or other instrument, the seal shall be affixed pursuant to either a resolution of the Executive Committee or pursuant to any such authority delegated to the Secretary.

6 MEMBERSHIP

- a) Membership of the union shall be open to wage and salary workers who work for an organisation that is wholly or partly publicly funded.
- b) Notwithstanding 6a above, the Executive Committee may from time to time, in its absolute discretion, approve membership for workers not falling within clause 6a.
- c) Further, the Executive Committee shall have the power, from time to time, in its absolute discretion, for whatever reason, to restrict or freeze new membership applications.
- d) Every application for membership shall be made in writing on the prescribed form.
- c) Applications for membership shall be accepted by the Executive Committee. The applicant(s) will be notified when their application has been accepted.

- d) Upon notification all members shall be subject to this constitution and any regulations or by-laws made by the union.
- e) A copy of this constitution shall be made available to any financial member on request.
- f) Staff of the union shall keep a register of members including status of employment units; such register shall be open for inspection, by financial members, during working hours.
- g) Members of the union shall be entitled to attend, but not to vote at any meeting of the Executive Committee. They may speak with the consent of the meeting.

7. LIFE MEMBERS/HONORARY MEMBERS

Any member may be conferred life membership at any annual meeting of the union, on the nomination of any 15 members, and with the approval of not less than two thirds of the members in that employment unit.

Life membership shall be conferred on a member for conspicuous active service/ and contribution to the union movement. Life membership shall entitle a person, not otherwise so entitled, to speak but not vote at general meetings of the union.

Further, the Executive Committee may on nomination by the Secretary confer honorary membership on any person who in the minds of the Executive Committee have given conspicuous active service to the union, not withstanding having been a member of the union.

8. RATIFICATION PROCEDURES FOR COLLECTIVE AGREEMENTS AND VARIATIONS THEREOF.

In the case of negotiations relating to two or more employees:

- a) The Union shall notify the employees, either by mail, through its officers or workplace representatives or through a union publication of the date, time and venue for a meeting or vote to ratify the settlement.
- b) Members to be covered by a collective agreement (“bargaining members”) may, prior to bargaining being initiated by the union, propose an alternative ratification procedure to the default procedure in clause 8c. This alternative procedure shall be adopted where voted for by 60% of bargaining members.
- c) A majority vote for each occupational group of those voting, who have authorised the Union to represent them in those negotiations, shall be sufficient to ratify the settlement in respect of all employees to whom it relates.
 - i. No occupational group for whom an agreement is being negotiated shall finally settle until all groups within that agreement have settled.

- ii. Notwithstanding rule 8bi, settlement shall not be prevented where 75% of the members to be bound by the agreement vote to accept it and where no occupational group have their short or long term interests adversely affected by the proposed agreement.
- d) The meeting or vote may consist of a number of meetings at the same or different date, time or venue.
- e) Proxy votes and special votes are acceptable where members are unable to attend a meeting (refer section 15).

9. TERMINATION OF MEMBERSHIP

Termination of membership of the union may occur in any of the following ways:

- a) **Default:** the Executive Committee shall have the power to remove from the register of members any member whose subscription is two months in arrears; such power to be exercised only after a resolution to that effect has been passed by a majority of members of the Executive Committee. Seasonal workers' subscriptions will not be considered to be in arrears during their off season. Members in default may not hold office in the union nor vote on any matter during the time they remain in default.
- b) **Resignation:** any member wishing to resign from the union shall give notice in writing to the union office to that effect and shall pay all subscriptions and/or levies due up to the date of such notice.
- c) **Expulsion:** a member may be expelled if it is considered by a special meeting of the members at his/her employment unit that he/she has seriously offended against the objects of the union.
The procedure for expelling a member shall be:
 - i. A written statement related to the alleged offence shall be presented to a specially convened meeting of members at the relevant employment unit by any member.
 - ii. Ten days notice of any such meeting shall be given.
 - iii. The written statement may be amplified by oral supplement.
 - iv. The matter will be discussed at the meeting.
 - v. If the majority is in favour the matter will be decided at a further workplace meeting held in a month's time, where the member whose expulsion is under consideration will have a right to be adequately heard. She/he will have the right to formal

representation and the meeting will be chaired by a delegate from another employment unit appointed by the Executive Committee.

- d) Any member who has resigned or been removed pursuant to these rules shall return to the union office any documents, papers, pamphlets or any other property belonging to the union he/she may have acquired as a right or privilege of union membership.
- e) A member who has been expelled pursuant to these rules will have a right of appeal to the Executive Committee on procedural and substantive grounds on written application within 10 days of receipt of the decision in c(v) above.

10. FINANCIAL YEAR

The financial year of the union shall be from the first day of April to the last day of March in the following year.

11. ANNUAL GENERAL MEETINGS

- a) The Executive Committee will hold an annual general meeting.
- b) An annual general meeting will be held if possible during the months of April and May.
- c) At the annual general meeting the following business will be transacted:
 - I. Receive and consider the annual report from the convenor.
 - II. Receive and consider the annual financial report as approved by the Executive Committee.
 - III. Elect such office holders as required by the constitution.
 - IV. Consider any other such business as the majority of members present may accept for consideration.

12. DELEGATES

A delegate's function is to represent the interests of the members who elected him/her.

Employment units shall elect delegates in sufficient numbers to ensure that they are adequately represented in their workplaces and that good communication is possible.

The delegates in conjunction with the union staff and members in that employment unit shall determine policy in relation to that employment unit, represent the interests of members and where appropriate contribute proposals for the Executive Committee consideration.

13. DEFINING OCCUPATIONAL GROUPS FOR PURPOSES OF RATIFYING OR VARYING A COLLECTIVE EMPLOYMENT AGREEMENT

- a) The Executive Committee shall agree on the definition of occupational group status for each employment unit for the purposes of ratifying or varying a collective employment agreement. Such authority may be delegated to the Secretary.
- b) The Executive Committee shall hear from the elected delegate and or member of an occupational group who objects to the definition at the next scheduled meeting of the Executive Committee.
- c) Due consideration of the objection shall be undertaken. However at the next subsequent meeting of the Executive Committee a final ruling will be made.
- d) At the commencement of bargaining for a collective agreement the union shall notify the employer of the number of occupational groups in relation to the ratification/variation of a Collective Employment Agreement.

14. EXECUTIVE COMMITTEE

The Executive Committee shall consist of one member from each employing unit for each 100 members or part thereof (e.g. Ministry of Economic Development; Department for Child Youth and Family, Canterbury District Health Board).

The Secretary shall be a part of, but not have a vote at, the Executive Committee meetings.

The Executive Committee shall have oversight of the affairs of the union. Its functions will include:

- a) Buying and selling property.
- b) Borrowing or raising money.
- c) Engaging in financial transactions on behalf of the union.
- d) Employing, controlling and terminating the employment of staff.
- e) Opening and operating bank accounts.
- f) Developing policy that is consistent with the objects and reflects input from members in the employment units.
- g) Setting up standing committees and sub-committees (all of which will be responsible to the Executive Committee) for defined purposes.

- h) The officers of the union (except the Secretary) will be elected by the members of the Executive Committee.
- i) Nominations for officers will be received up until the time of election.
- j) Any or all of the above may be delegated to the Secretary unless expressly forbidden by the constitution.

15. VOTING

- a) At all meetings voting shall be by show of hands or secret ballot.
- b) On the request of any one person the issue will be decided by secret ballot.
- c) Members of the employing unit may appoint scrutineers.
- d) Save where these rules provide otherwise all matters will be decided on a majority vote.
- e) Proxy votes and special votes may be used for people unable to attend a meeting.
- f) Proxy votes shall be in writing, signed by the person providing the proxy and may be revoked at any time prior to the meeting.
- g) A special vote shall be final and once submitted may not be amended.

16. SPECIAL GENERAL MEETINGS

- a) Special General Meetings of the union may be called by a petition of 10% of the membership of the employing unit or Executive Committee.
- b) Notice of Special General Meetings shall specify the nature of the business to be transacted and no other business shall be transacted.
- c) Unless the business for which the meeting is called is urgent, notice of the meeting will be communicated at least 21 days prior to the meeting.

17. NOTICE

- a) Notice of all annual or special general meetings will be communicated not less than 21 days prior to the date of the meeting.
- b) An agenda will be notified not less than seven days prior to the meeting.
- c) Items (a) and (b) above do not apply to meetings called under urgency.

18. ALTERATION TO THE CONSTITUTION

- a) This constitution may be altered, added to, rescinded or otherwise amended by a resolution passed by a majority of 60% of at an Annual General Meeting or a Special General Meeting of which 21 days notice has been given of the proposed changes.
- b) Duplicate copies of any changes shall forthwith be delivered to the Registrar of Incorporated Societies in accordance with the provisions of the Incorporated Societies Act 1908.

19. BY-LAWS

The Executive Committee may, from time to time, by resolution make, amend or rescind by-laws, not inconsistent with this constitution.

20. GENERAL

If a dispute arises at any time in respect of a matter which is not provided for in this constitution or any doubt exists as to the interpretation of the constitution, or any other dispute arises pertaining to the union, its property or interests it shall be referred to the Executive Committee which shall resolve it.

21. WINDING UP

The union may be wound up in the manner prescribed by Section 24 of the Incorporated Societies Act 1908, and its amendments. 21 days notice of the required general meetings shall be called by advertisement inserted in one or more of the major newspapers in the four main centres. Every member at the meeting(s) shall on a show of hands or a poll have one vote. The matter shall be determined on a simple majority.

22. DISPOSAL OF SURPLUS FUNDS

If, upon the winding up of the union, there remains after the satisfaction of all its liabilities, any property or funds, they shall be distributed equally to the members of the union, or upon a resolution passed by a majority of the members present to determine whether the union would be wound up, they will be given or transferred to an appropriate allied body within New Zealand that has objects similar to those of the union.

REGISTERED OFFICE OF THE NATIONAL UNION OF PUBLIC EMPLOYEES INCORPORATED:

Third Floor
Trade Union Centre
199 Armagh Street
PO Box 13032
CHRISTCHURCH

Phone: (03) 377 3582
Fax: (03) 377 4385
Email: nupe@nupe.org.nz
Website: www.nupe.org.nz